

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

YATSIRI MANRIQUEZ,

Plaintiff,

v.

Civ. No. 21-408 GBW/LF

ADRIENNE AMES, *et al.*,

Defendants.

**ORDER GRANTING SUMMARY JUDGMENT ON PLAINTIFF’S FOURTH
AMENDMENT CLAIMS FOR UNLAWFUL SEARCH, PRETEXTUAL SEIZURE,
AND EXCESSIVE FORCE AGAINST DEFENDANTS AMES AND WAR AND
DISMISSING CLAIMS AGAINST DEFENDANT BOARD OF COUNTY
COMMISSIONERS OF SANTA FE COUNTY**

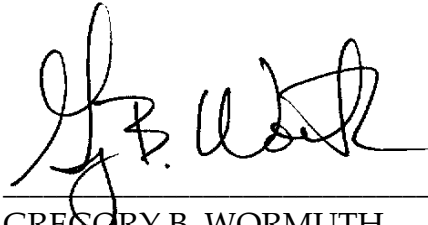
THIS MATTER comes before the Court pursuant to its Order Granting Partial Summary Judgment on Plaintiff’s Fourth Amendment Claims for Unlawful Seizure, and Requesting Supplemental Briefing on Plaintiff’s Fourth Amendment Claims for Unlawful Search, Pretextual Seizure, and Excessive Force, *see doc. 52* (“Summary Judgment Order”), and Defendant’s Board of County Commissioners of Santa Fe County’s Motion to Dismiss Claims Against Board of County Commissioners, *see doc. 54*.

In its Summary Judgment Order, the Court granted Defendants Adrienne Ames and Johnathen War summary judgment on Plaintiff’s Fourth Amendment claim for unlawful seizure, *see doc. 52* at 32, gave Plaintiff notice of its intent to grant these

Defendants summary judgment on her Fourth Amendment claims for unlawful search, pretextual seizure, and excessive force pursuant to Federal Rule of Civil Procedure 56(f), *see id.* at 28, and set March 25, 2022, as the deadline for Plaintiff to be heard on this issue, *see id.* at 32. Plaintiff did not file the requested brief in opposition to summary judgment on these claims by that deadline. Therefore, IT IS HEREBY ORDERED that, pursuant to Federal Rule of Civil Procedure 56(f), Defendants Ames and War are GRANTED summary judgment on Plaintiff's claims against them for unlawful search, pretextual seizure, and excessive force based on the undisputed material facts and analysis set forth in the Court's earlier Summary Judgment Order, *see id.* at 7-16, 28-32, and that these claims are DISMISSED WITH PREJUDICE.

On April 7, 2022, Defendant Board of County Commissioners of Santa Fe County ("BCCSFC") moved the Court to dismiss with prejudice all claims against it as set forth in Plaintiff's Amended Complaint for Violation of Constitutional Rights under 42 U.S.C. § 1983. *See doc. 54.* Plaintiff "[took] no position' regarding [the] motion." *Id.* at 1, nor did she file a response by the April 21, 2022, deadline for her to do so, *see D.N.M.LR-Civ. 7.4(a).* Her non-response "constitutes consent to grant the motion. *See D.N.M.LR-Civ. 7.1(b).* Accordingly, IT IS FURTHER ORDERED that all Plaintiff's claims against Defendant BCCSFC as set forth in her Amended Complaint for Violation of Constitutional Rights under 42 U.S.C. § 1983 (*doc. 9*) are DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', written over a horizontal line.

GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE
Presiding by consent